IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9769 OF 2003

M/s. Jalaram Plastic Industries ... Petitioner

Versus

Maharashtra State Electricity Board and Ors. ... Respondents

Mr. V.M. Thorat for Petitioner.

Mrs. A.R.S. Baxi for R. Nos. 1, 3 and 4.

Mr. C.R. Sonawane, A.G.P. for R. No. 2.

CORAM : F.I. REBELLO & DR.D.Y.CHANDRACHUD,JJ.
DATED : FEBRUARY 28, 2006

P.C.

. Rule. Heard forthwith.

. It is the grievance of the Petitioner that they had preferred an appeal against the order of the Superintending Engineer, Solapur who has finalised the bill. The Appellate authority apart from rejecting the contention of the Petitioner, increased the amount of the bill. It is submitted that in an appeal preferred by the Petitioner, the Appellate Authority has no such authority.

. It is not necessary for us to go into various aspects of the matter on the peculiar facts of this case. If there had been miscalculation, the appropriate exercise of jurisdiction by the Appellate Authority would be to remand the matter back to the Superintending Engineer for reconsideration. This exercise could not have been done by the appellate authority itself.

. In the light of that, impugned order dated 10.9.2003 is set aside. The matter is remanded back to the Superintending Engineer to rehear the Petitioner and thereafter to pass appropriate orders according to law at any rate not latter than eight weeks from today. It is needless to say that all questions are left open for consideration, as we have not gone into the merits of the case. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)